

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re: Dream Big Restaurants, LLC,)	Case No. 7:19-bk-05090
)	
)	Proceedings under Chapter 11
Debtor)	
)	Hon. Helen E. Burris
)	

STIPULATION TO RELIEF FROM AUTOMATIC STAY AS TO RON M. DAVIS

The above-captioned debtor (the “Debtor”), hereby agrees and stipulates as follows:

1. The Debtor filed its petition in this Bankruptcy Court on September 27, 2019 (the “Petition Date”).
2. Prior to the Petition Date on February 12, 2019, Ron M. Davis (“Creditor”) filed a personal injury action in the Greenville County Court of Common Pleas, C/A Number: 20198-CP-23-671, (the “State Court Action”) against the Debtor for an alleged injuries resulting from a slip and fall that occurred on January 2, 2017. A copy of the Summons and Complaint filed in the State Court Action is attached hereto as Exhibit A.
3. On November 7, 2019, counsel for Ron M. Davis was notified via email from counsel for the Debtor that had filed for Chapter 11 bankruptcy protection.
4. The State Court Action involves the recovery of bodily injury liability insurance, and the plaintiff in the State Court Action has agreed to proceed against the Debtor in an attempt to recover applicable insurance proceeds as to not affect this proceeding.

Now Therefore, in consideration of the foregoing, the Parties hereby stipulate to entry of the Order attached hereto as **Exhibit A**, which provides each of the following:

- a. The Parties agree that lifting the automatic stay to allow the State Court Action to continue is appropriate;
- b. The Parties agree that allowing the State Court Action to proceed against the Debtor will not affect the Estate;
- c. Creditor may take action to recover any settlement, judgment, or relief in Creditor's favor against any applicable insurance coverage;
- d. Creditor shall not take any action to enforce any judgment in Creditor's favor against Debtor (and its successors), as opposed to its insurers;
- e. The Creditor will withdraw any claim he has or may have in this case, and will not assert or file any Proof of Claim in this case;
- f. The Creditor will provide a waiver of any claim against the Debtor and the Estate in the form of a Covenant Not to Execute for purposes of collecting on liability insurance proceeds; and
- g. In no event may a party assert a post-petition claim against the Debtor arising from the State Court Action or any insurance policy of Debtor.

[SIGNATURE PAGE TO FOLLOW]

SKINNER LAW FIRM, LLC

/s/ Randy A. Skinner
Randy A. Skinner
300 North Main Street, Suite 201
Greenville, SC 29601
(864) 232-2007
main@skinnerlawfirm.com

and

SCHAFER AND WEINER, PLLC
John J. Stockdale, Jr. (Mich. P71561)
40950 Woodward Ave., Suite 100
Bloomfield Hills, MI 48304
T: 248.540.3340
jstockdale@schaferandweiner.com
(Admitted *pro hac vice*, See DN 41)

*Attorney for Debtor Dream Big Restaurants,
LLC,*

GOINGS LAW FIRM, LLC

/s/ Robert F. Goings
Robert F. Goings, Esq. (Fed. ID # 9838)
1510 Calhoun Street
Post Office Box 436 (29202)
Columbia, South Carolina 29201
(803) 350-9230 (ph)
(877) 789-6340 (fax)
rgoings@goingslawfirm.com

Attorney for Creditor Ron M. Davis